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Attorneys for Defendants

KIM EMBRY & ENVIRONMENTAL HEALTH ADVOCATES, INC.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

B&G FOODS NORTH AMERICA, INC.,

Plaintiff,

vs.

KIM EMBRY and ENVIRONMENTAL
HEALTH ADVOCATES, INC., acting as
enforcement representatives under California
Proposition 65 on behalf of the State of
California,

Defendant.

Case No.: 2:20-cv-00526-KJM-DB

**DECLARATION OF ISABELLA
ORDONEZ**

Judge: Hon. Kimberly J. Mueller
Magistrate: Hon. Deborah Barnes

Complaint Filed: March 6, 2020
Trial Date: None Set

1 I, Isabella Ordonez, declare:

2 1. I am a Legal Assistant for Entorno Law, LLP, the law firm that represents
3 Defendant Environmental Health Advocates, Inc. (“EHA”) in prosecuting citizen enforcement
4 actions under Proposition 65. I submit this Declaration in support of Defendants EHA and Kim
5 Embry’s (“Embry”) Motion for Summary Judgment. If called upon as a witness, I would testify
6 to the following facts based on my own personal knowledge.

7 2. I was asked by Jake Schulte, counsel for Defendants, to research and compile a list
8 of Defendants’ successful prosecution of acrylamide Notices of Violation (“NOV”) – i.e., NOVs
9 that resulted in either (1) an out-of-court settlement, (2) a court-approved consent judgment, or (3)
10 a judgment in Defendants’ favor.

11 3. I began by reviewing the list of 771 acrylamide NOVs attached as Exhibit A to the
12 Declaration of J.R. Holliday¹ where – as part of this litigation – Mr. Holliday previously compiled
13 a list of acrylamide NOVs brought by Defendants stretching from February 27, 2017 (the first
14 acrylamide NOV brought by Embry) through August 19, 2022 (the last acrylamide NOV brought
15 by EHA). Mr. Holliday (a former Research Associate of EHA) compiled the list by extracting
16 publicly available data from the California Attorney General’s (“AG”) website regarding
17 Defendants’ acrylamide NOVs.

18 4. Mr. Holliday’s list did not indicate which NOVs resulted in a settlement or
19 judgment. To ascertain which acrylamide NOVs resulted in either (1) an out-of-court settlement,
20 (2) a court-approved consent judgment, or (3) judgment in Defendants’ favor, I undertook the
21 following review. First, I searched the AG’s website – by inputting each unique AG number and
22 product name associated with the acrylamide NOVs identified on Mr. Holliday’s list – to locate
23 and extract settlements or judgments associated with each respective NOV. Second, I searched
24 Entorno Law’s internal computer system, which retains records from both Embry and EHA’s
25 prosecution of Proposition 65 matters, to further locate and extract settlements or judgments
26 associated with each respective acrylamide NOV.

27 5. In conducting the above search, I determined that Mr. Holiday’s list inadvertently
28

¹ Mr. Holliday’s declaration is attached as Ex. A to the Schulte Dec. at Embry EHA 000115-127.

1 contained 206 duplicate NOV entries. *See, e.g.*, Ex. A to the Holliday Dec. at 128-30, 142-43,
 2 246-47 (the same AG number and product name is listed). In other words, instead of 771 total
 3 NOVs, I determined the true number of unique/operative acrylamide NOVs brought by Defendants
 4 over a 5-year period from 2017-2022 was actually 565.

5 6. Following my search, I was able to locate and extract a total of 151
 6 settlements/judgments evidencing successful acrylamide NOVs brought by Defendants,
 7 specifically: 97 court-approved consent judgments, 53 out-of-court settlements, and 1 court-
 8 approved default judgment. Attached hereto as **Exhibit A** is a true and correct copy of the list I
 9 compiled.

10 7. Defendants have attached all 151 settlements/judgments, as Exhibits 1 through 151,
 11 to their Request for Judicial Notice in support of their Motion for Summary Judgment.

12 8. The columns of **Exhibit A** identify the (1) operative and/or previous AG number(s)
 13 associated with each settling NOV; (2) the product(s) identified in each NOV/settlement; (3) the
 14 civil penalty amount associated with each settlement; (4) the attorneys' fees and costs award
 15 associated with each settlement; (5) the total value of each settlement; (6) the settlement date; and
 16 (7) the resolution status of each successful NOV – i.e., consent judgment, out-of-court settlement,
 17 or default judgment.

18 9. According to the Microsoft Excel formulas related to adding up the civil penalty
 19 and attorneys' fees columns, which I independently verified through my own calculation,
 20 Defendants' acrylamide prosecution has resulted in a total recovery of **\$7,180,450**, broken down
 21 as follows: **\$743,925** in civil penalties (75% of which are directed to the State of California, Cal.
 22 Health & Safety Code § 25249.12(c)(1)) and **\$6,436,525** in attorneys' fees and costs. A further
 23 breakdown of these figures, including the recovery achieved by each Defendant, is included in the
 24 below graphic:
 25
 26
 27
 28

	Total	Civil Penalties	Attorney Fees
Both Defendants	\$ 7,180,450.00	\$ 743,925.00	\$ 6,436,525.00
Embry	\$ 2,036,500.00	\$ 216,250.00	\$ 1,820,250.00
EHA	\$ 5,143,950.00	\$ 527,675.00	\$ 4,616,275.00

10. As shown by **Exhibit A**, many of the 151 individual settlements involve resolution of multiple NOV's brought by Defendants – at least 184 separate NOV's by counting the “Operative AG Number” column. Thus, one cannot simply divide 151 by 565 (the total number of operative acrylamide NOV's brought by Embry/EHA) to ascertain Defendants’ overall “success rate” in prosecuting acrylamide litigation. This is further complicated by the fact that, according to my review of Entorno Law’s internal computer system, 67 of the total number of operative NOV's brought by Embry/EHA remain in “active” status – i.e., the NOV's remain in active litigation or are otherwise held in abeyance since they were issued less than 60-days before this Court’s preliminary injunction went back into effect.

11. In light of the above, I believe **36.95%** is the most accurate representation of Defendants’ overall “success rate” in prosecuting acrylamide litigation. I achieved this percentage by taking the total number NOV's settled (184) and dividing that figure by the total number of operative acrylamide NOV's brought by Embry/EHA save for the ones that remain in “active” status ($565 - 67 = 498$).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on July 19, 2024, in San Diego, California.

By: Isabella Ordóñez
Isabella Ordóñez (Jul 19, 2024 15:09 PDT)
 Isabella Ordóñez
 Declarant

EXHIBIT A

Number	Operative AG Number	Related/Previous AG Numbers	Product	Civil Penalty	Attorney Fees	Totals	Settlement Date	Resolution Status
1	2017-01779	2017-01265	Western Bagels Plain Bagels 18 oz	\$ 5,000.00	\$ 45,000.00	\$ 50,000.00	3/15/2018	Consent Judgment
2	2017-02331		Blue Diamond Almonds - Roasted Salted	\$ 8,000.00	\$ 67,000.00	\$ 75,000.00	6/18/2018	Consent Judgment
3	2017-02010		Bauducco® Wafer- Vanilla	\$ 5,000.00	\$ 45,000.00	\$ 50,000.00	7/18/2018	Consent Judgment
4	2018-01533		Kitchfix Grain-Free Waffles	\$ 3,000.00	\$ 27,000.00	\$ 30,000.00	3/15/2019	Out of Court Settlement
5	2017-01768	2017-01267	Bruegger's Bagels Plain Bagel	\$ 4,000.00	\$ 44,000.00	\$ 48,000.00	4/9/2019	Consent Judgment
6	2017-01888		Oroweat Country Potato Bread	\$ 12,000.00	\$ 3,000.00	\$ 15,000.00	4/25/2019	Consent Judgment
7	2017-01994	2017-01721	Quadratini Almonds bite size Wafer cookies	\$ 6,000.00	\$ 54,000.00	\$ 60,000.00	5/22/2019	Consent Judgment
8	2019-01037	2018-00891	Roasted Almond Products, including but not limited to Nut Harvest Almonds Lightly Roasted	\$ 12,000.00	\$ 103,000.00	\$ 115,000.00	6/12/2019	Consent Judgment
9	2019-0117	2019-0112, 2018-00671	Archer Farms Roasted Almonds	\$ 8,000.00	\$ 67,000.00	\$ 75,000.00	7/9/2019	Consent Judgment
10	2018-01051		Cadia Organic Honey Graham Crackers	\$ 4,000.00	\$ 36,000.00	\$ 40,000.00	7/9/2019	Out of Court Settlement
11	2017-01629		Ian's Kids Alphas	\$ 4,000.00	\$ 36,000.00	\$ 40,000.00	7/25/2019	Consent Judgment
12	2017-01776; 2017-01767; 2017-01766; 2017-01889; 2017-01797; 2017-01796; 2017-01778; 2017-01264; 2017-01775; 2017-01774; 2017-01772; 2017-01771; 2017-01770; 2019-01143	2017-00241; 2020-00199; 2020-01320; 2017-01262; 2017-01773; 2017-01621; 2017-01628; 2017-01777; 2017-01635; 2017-01519; 2017-01519; 2017-01634; 2017-01263; 2017-01622; 2017-01769; 2019-01943; 2017-00242	Product category: "breads and other baked goods" Including: 1. Market Pantry White Enriched Round Top Bread / UPC 085239111390 2. Psst Enriched White Bread 16oz , Van de Kamp's Hamburger Enriched Buns 12oz, Simple Truth Organic Plain Bagels 18 oz 3. California Baking Co. Cholesterol Free White Bread 4. Van De Kamp's - Western Hearth Country Potato Bread 5. Oroweat, Country White Bread, 24 oz 6. Cinnabon Cinnamon Bread, 16 oz 7. Hostess Classic White 20oz 8. Cadia Organic Country White Sliced Bread 24 oz 9. First Street Bakery White Enriched Sandwich Bread 10. Home Pride Butter Top White Bread 20oz, Wonder Calcium Fortified Enriched Bread 20oz, Sara Lee Classic White Bread 11. Cobblestone Bread Co. Original Bagels 20 oz 12. Bays Original English Muffins 13. Ball Park Hot Dog Buns 13 oz. 14. Great Value Country Potato (Bread)	\$ 12,000.00	\$ 113,000.00	\$ 125,000.00	8/16/2019	Consent Judgment
13	2019-00518		Nonni's Triple Chocolate Biscotti	\$ 7,000.00	\$ 65,000.00	\$ 72,000.00	9/25/2019	Consent Judgment
14	2019-00514; 2019-00852		1. Biscos Sugar Wafers 2. Chips Ahoy Double Chocolate Thins	\$ 8,000.00	\$ 67,000.00	\$ 75,000.00	9/26/2019	Consent Judgment
15	2019-01245; 2019-01247	2019-00513; 2019-00515	1. Market Pantry Vanilla Sugar Wafers 2. Great Value Vanilla Creme Wafer Cookies	\$ 3,750.00	\$ 1,250.00	\$ 5,000.00	11/26/2019	Out of Court Settlement
16	2019-00935; 2019-00938		1. Gold Emblem Roasted Almonds 2. 7 Select Smoked Almonds	\$ 4,000.00	\$ 36,000.00	\$ 40,000.00	12/11/2019	Out of Court Settlement
17	2019-00866		Farm Fresh Nuts Dry Roasted Salted Almonds	\$ 4,000.00	\$ 37,500.00	\$ 41,500.00	12/16/2019	Consent Judgment
18	2019-01450		Urban Plates Chewy Molasses Cookie	\$ 3,000.00	\$ 27,000.00	\$ 30,000.00	12/20/2019	Out of Court Settlement
19	2019-01574		Lily's Dark Chocolate Covered Almonds	\$ 5,000.00	\$ 42,500.00	\$ 47,500.00	12/27/2019	Consent Judgment
20	2019-01449		Domino's Chocolate Lava Crunch Cake	\$ 3,000.00	\$ 27,000.00	\$ 30,000.00	1/7/2020	Out of Court Settlement
21	2018-00809		Blue Diamond Nut Thin	\$ 8,000.00	\$ 67,000.00	\$ 75,000.00	1/7/2020	Consent Judgment
22	2018-00772		Honey Maid Honey Graham Crackers	\$ 8,000.00	\$ 67,000.00	\$ 75,000.00	1/14/2020	Consent Judgment
23	2019-01923	2019-02133	Signature Select Chocolate Wafer Cookies	\$ 5,000.00	\$ 40,000.00	\$ 45,000.00	1/15/2020	Out of Court Settlement
24	2019-01313		Divvies Chocolate Brownie Minis	\$ 2,000.00	\$ 18,000.00	\$ 20,000.00	2/7/2020	Out of Court Settlement

25	2019-00512		Colombina Chocolate Wafers	\$	5,500.00	\$	49,500.00	\$	55,000.00	2/14/2020	Consent Judgment
26	2019-01473		Barcel Crunchy Coated Peanuts	\$	5,000.00	\$	45,000.00	\$	50,000.00	2/15/2020	Consent Judgment
27	2017-01781	2017-01614	Heavenly Sent White Bread 24 oz	\$	7,000.00	\$	63,000.00	\$	70,000.00	3/3/2020	Consent Judgment
28	2020-00197	2019-01564	all Nothing Bundt Cake Flavors	\$	7,000.00	\$	56,000.00	\$	63,000.00	4/6/2020	Consent Judgment
29	2019-01888		Italione Bite Size Wafers with Cocoa	\$	6,000.00	\$	54,000.00	\$	60,000.00	4/20/2020	Consent Judgment
30	2019-01423		Jo's Candies Dark Chocolate Honey Graham	\$	6,000.00	\$	54,000.00	\$	60,000.00	4/20/2020	Consent Judgment
31	2019-01924; 2019-01949		1. Kirkland Signature Dry Roasted Almonds 2. Select Harvest USA California Almonds Oven Roasted/No Salt	\$	5,000.00	\$	50,000.00	\$	55,000.00	4/21/2020	Consent Judgment
32	2019-01163		Market Pantry Dark Chocolate Covered Almonds	\$	6,000.00	\$	54,000.00	\$	60,000.00	4/23/2020	Consent Judgment
33	2019-01091		Ticklebelly Cakebars Dark Chocolate	\$	5,000.00	\$	45,000.00	\$	50,000.00	4/24/2020	Consent Judgment
34	2020-01095	2019-02108; 2018-01530	1. Kroger Honey Graham Crackers 2. Great Value Cinnamon Graham Crackers	\$	8,000.00	\$	67,000.00	\$	75,000.00	5/5/2020	Consent Judgment
35	2020-01158; 2019-02259	2018-00520; 2018-00689	1. Wonderful Roasted & Salted Almonds 2. Trader Joe's Dry Roasted & Salted Almonds	\$	10,000.00	\$	90,000.00	\$	100,000.00	5/7/2020	Consent Judgment
36	2019-01556; 2019-01271	2019-01471	1. Hayden Valley Dark Chocolate Peanuts 2. Hayden Valley Foods Dark Chocolate Almonds	\$	5,000.00	\$	50,000.00	\$	55,000.00	5/29/2020	Consent Judgment
37	2019-01219		Oh! Nuts Dry Roasted Unsalted AlmondsAma	\$	1,000.00	\$	9,000.00	\$	10,000.00	7/20/2020	Out of Court Settlement
38	2019-01312		Brookside Dark Chocolate Whole Almonds	\$	4,000.00	\$	46,000.00	\$	50,000.00	8/6/2020	Consent Judgment
39	2020-00672		Mary's Gone Crackers Cayenne Pepper	\$	2,500.00	\$	22,500.00	\$	25,000.00	8/18/2020	Out of Court Settlement
40	2018-01532		Sprouts Frozen Blueberry Waffles	\$	5,000.00	\$	45,000.00	\$	50,000.00	8/20/2020	Consent Judgment
41	2019-01672	2019-01670, 2020-00294	Dairy Queen Ice Cream Cup	\$	5,500.00	\$	49,500.00	\$	55,000.00	8/31/2020	Consent Judgment
42	2020-00445; 2019-01242	2019-02019, 2019-01243; 2020-00446, 2019-02021, 2020-0045	1. Dark Chocolate Almonds 2. Dark Chocolate Walnuts	\$	8,000.00	\$	77,000.00	\$	85,000.00	10/2/2020	Consent Judgment
43	2020-00885		Divina Green Olive & Parmesan Flatbread	\$	3,000.00	\$	25,000.00	\$	28,000.00	10/7/2020	Out of Court Settlement
44	2020-01204	2020-00667	Trader Joe's Laceys Cookies Dark Chocolate Almond	\$	5,000.00	\$	45,000.00	\$	50,000.00	10/20/2020	Consent Judgment
45	2020-01036	2020-00666	Keebler Chips Deluxe Rainbow	\$	15,000.00	\$	120,000.00	\$	135,000.00	11/12/2020	Consent Judgment
46	2020-00043		Inka Corn Original	\$	7,000.00	\$	58,000.00	\$	65,000.00	12/2/2020	Consent Judgment
47	2019-01452; 2019-01941	2019-01447	1. Sconza Lemoncello Chocolate Almonds 2. Goodfields Dark Chocolate Covered Almonds	\$	5,000.00	\$	50,000.00	\$	55,000.00	12/4/2020	Consent Judgment
48	2020-02289		Multigrain Cracker Original	\$	2,500.00	\$	22,500.00	\$	25,000.00	12/8/2020	Out of Court Settlement
49	2020-00671; 2020-00474		1. Absolutely Gluten Free Crackers 2. Absolutely Gluten Free Everything Flatbread	\$	6,500.00	\$	58,500.00	\$	65,000.00	12/9/2020	Consent Judgment
50	2020-02094		Atkins Protein Wafer Crisps	\$	6,000.00	\$	54,000.00	\$	60,000.00	12/15/2020	Consent Judgment
51	2020-00664		Mary's Gone Crackers Super Seed Everything	\$	5,000.00	\$	45,000.00	\$	50,000.00	1/7/2021	Consent Judgment
52	2020-03561; 2020-02876	2020-02238	1. Gamesa Roscas Cinnamon Cookies 2. Gamesa Animalitos Cookies	\$	12,000.00	\$	108,000.00	\$	120,000.00	1/14/2021	Consent Judgment
53	2020-02096		PB&J Wafers	\$	4,000.00	\$	36,000.00	\$	40,000.00	1/14/2021	Out of Court Settlement
54	2020-02513		Kozakanato Almond Senbei	\$	750.00	\$	6,750.00	\$	7,500.00	1/20/2021	Out of Court Settlement
55	2020-02871		Butterkist Ginger Cookies	\$	2,000.00	\$	15,500.00	\$	17,500.00	1/21/2021	Out of Court Settlement
56	2020-02250		Forager BBQ Chipotle Greens	\$	3,250.00	\$	29,250.00	\$	32,500.00	2/1/2021	Out of Court Settlement
57	2020-02239		Lillabee Brownie Thins	\$	1,000.00	\$	9,000.00	\$	10,000.00	2/1/2021	Out of Court Settlement
58	2020-03041		Potter's Crackers Caramelized Onion Crisps	\$	2,000.00	\$	18,000.00	\$	20,000.00	2/2/2021	Out of Court Settlement
59	2020-03536	2020-02511	Chocolate & Peanut Butter Wafer Pies	\$	5,000.00	\$	45,000.00	\$	50,000.00	2/2/2021	Consent Judgment
60	2020-02949	2020-02485	Chifleton Pinton Plantains	\$	2,000.00	\$	18,000.00	\$	20,000.00	2/4/2021	Out of Court Settlement
61	2020-00884		Almond Peak	\$	5,000.00	\$	45,000.00	\$	50,000.00	2/5/2021	Consent Judgment
62	2020-03538	2020-02098	Diana Picnic Vanilla, Strawberry, and Chocolate	\$	8,000.00	\$	72,000.00	\$	80,000.00	2/9/2021	Consent Judgment
63	2020-01037	2020-00498	Girl Scout S'mores	\$	15,000.00	\$	120,000.00	\$	135,000.00	2/17/2021	Consent Judgment
64	2020-02522		Jans Tango Crisp Waffle	\$	2,000.00	\$	18,000.00	\$	20,000.00	2/18/2021	Out of Court Settlement
65	2021-00375	2020-02095	Matilde Vicenzi Puff Pastry with Butter (Ciambelline Al Burro)	\$	6,000.00	\$	52,000.00	\$	58,000.00	2/23/2021	Consent Judgment

66	2020-03382; 2020-03284; 2020-03285; 2020-02815	2019-00069; 2019-00070; 2018-01574; 2018-01573; 2019-01451, 2018-01572, 2019-00068	1. Plain Brick Oven Pita Bread 2. Authentic Pita Bread 3. King Turlock Lavash 4. Stone Lavish Breadmasters Flat Bread	\$	5,000.00	\$	45,000.00	\$	50,000.00	2/24/2021	Consent Judgment
67	2020-02601		Have A Corn Chips	\$	5,000.00	\$	45,000.00	\$	50,000.00	2/25/2021	Consent Judgment
68	2020-02814		Silao Tostadas Caseras	\$	5,500.00	\$	49,500.00	\$	55,000.00	2/26/2021	Consent Judgment
69	2020-03540; 2020-02521	2020-02848; 2021-00784, 2021-01189	1. Lago Wafer Cookies with Chocolate Cream Filling Sugar Free 2. Gastone Lago Hazelnut Wafers	\$	8,000.00	\$	67,000.00	\$	75,000.00	3/9/2021	Consent Judgment
70	2020-03043		Tacupeto Corn Chips	\$	1,625.00	\$	14,625.00	\$	16,250.00	3/15/2021	Out of Court Settlement
71	2021-00250; 2020-03040	2020-03035	1. Cardenas Tostada Rancherita Corn Tostadas 2. La Rosa Tostadas Original Casera	\$	7,000.00	\$	53,000.00	\$	60,000.00	3/15/2021	Consent Judgment
72	2021-00759	2020-02810	Herdez Tortilla Chips	\$	6,000.00	\$	54,000.00	\$	60,000.00	3/17/2021	Consent Judgment
73	2020-03385		Krunch Ginger & Gur Biscuits	\$	2,000.00	\$	18,000.00	\$	20,000.00	3/18/2021	Out of Court Settlement
74	2020-01218	2020-00472	First Street Almonds Roasted & Salted	\$	5,000.00	\$	45,000.00	\$	50,000.00	3/18/2021	Consent Judgment
75	2021-00680	2019-02261, 2020-02645, 2021-00494	Little Secrets Crispy Wafers Dark Chocolate with Sea Salt, Peanut Butter in Dark Chocolate, Milk Chocolate with Sea Salt, Almond Butter in Dark Chocolate with Sea Salt, Peppermint Bark in Dark Chocolate	\$	8,000.00	\$	72,000.00	\$	80,000.00	3/19/2021	Consent Judgment
76	2021-00672	2020-03530	1. Si Senor Richachones Salt and Lime Flavored 2. Si Senor Picachones Chile & Lime	\$	5,000.00	\$	45,000.00	\$	50,000.00	3/19/2021	Consent Judgment
77	2021-00671	2020-01916; 2020-03388	1. Simple Mills Almond Flour Crackers Sun-Dried Tomato & Basil 2. Simple Mills Almond Flour Crackers Sea Salt	\$	7,000.00	\$	68,000.00	\$	75,000.00	3/19/2021	Consent Judgment
78	2020-03522		El Comal Totopos de Maiz Homestyle Tortilla Chips	\$	7,500.00	\$	67,500.00	\$	75,000.00	3/23/2021	Consent Judgment
79	2021-00857	2020-02290	All Pub Mix, Snack Mix, poker Mix, and Party Mix manufactured, distributed, sold, and/or offered for sale in CA by Utz	\$	5,000.00	\$	50,000.00	\$	55,000.00	3/25/2021	Consent Judgment
80	2020-02811		La Finca Tostadas Caseras	\$	6,000.00	\$	54,000.00	\$	60,000.00	3/25/2021	Consent Judgment
81	2020-02739		Eti Tea Biscuits	\$	5,000.00	\$	45,000.00	\$	50,000.00	3/26/2021	Consent Judgment
82	2019-00451		Simple Truth Roasted Almonds (Sea Salt)	\$	5,000.00	\$	45,000.00	\$	50,000.00	3/30/2021	Consent Judgment
83	2020-02606		Ziyad Tea Biscuits	\$	3,000.00	\$	27,000.00	\$	30,000.00	4/1/2021	Out of Court Settlement
84	2020-02240		Nutty Buddy Wafers with Peanut Butter	\$	15,000.00	\$	135,000.00	\$	150,000.00	4/21/2021	Consent Judgment
85	2020-02097; 2020-00670		1. Zeitaku Kakimochi Senbei (Rice Cracker with Almond Black Beans) 2. Japanese Cone Shaped Crackers	\$	500.00	\$	18,000.00	\$	18,500.00	4/23/2021	Out of Court Settlement
86	2020-03165; 2021-00673		1. K-Bakery Almond Crisps 2. Burdock Crisps	\$	4,000.00	\$	46,000.00	\$	50,000.00	4/29/2021	Consent Judgment
87	2020-03044		Win2 Baked Potato Crisp Tomato Flavour	\$	1,250.00	\$	11,250.00	\$	12,500.00	5/5/2021	Out of Court Settlement
88	2020-02875		Fresco Supermarket Tostada Casera	\$	500.00	\$	7,000.00	\$	7,500.00	5/17/2021	Out of Court Settlement
89	2020-03534		Sun Tropics Island Saba Banana Chips Salted Caramel	\$	2,500.00	\$	22,500.00	\$	25,000.00	6/7/2021	Out of Court Settlement
90	2020-02605		Good Thins Gluten Free Sea Salt Corn Snacks	\$	9,000.00	\$	86,000.00	\$	95,000.00	6/17/2021	Consent Judgment
91	2020-02487		Base Culture Maple Almond Butter	\$	5,000.00	\$	45,000.00	\$	50,000.00	6/22/2021	Consent Judgment
92	2020-02881		Turbana Plantain Chips Sweet	\$	5,000.00	\$	45,000.00	\$	50,000.00	7/6/2021	Consent Judgment
93	2021-00311		Shimmer and Shine Breakfast Mini Bites Cinnamon Brown Sugar	\$	2,000.00	\$	17,000.00	\$	19,000.00	7/15/2021	Out of Court Settlement
94	2021-00674		Raley's Tortilla Chips	\$	5,000.00	\$	40,000.00	\$	45,000.00	7/21/2021	Consent Judgment
95	2021-00670		Barnana Organic Cookie Brittle- Double Chunk Dark Chocolate	\$	3,000.00	\$	22,000.00	\$	25,000.00	7/22/2021	Out of Court Settlement
96	2020-03544		Original Gourmet The Original Animal Crackers	\$	1,000.00	\$	11,000.00	\$	12,000.00	7/26/2021	Out of Court Settlement
97	2021-00668		Hill Biscuits Ginger Nuts	\$	1,500.00	\$	17,000.00	\$	18,500.00	8/2/2021	Out of Court Settlement
98	2020-03162		Cigar Fry Biscuits Baked Cookies	\$	500.00	\$	5,500.00	\$	6,000.00	8/4/2021	Out of Court Settlement
99	2021-00678		El Ranchero Authentic Mexican Tortilla Chips Salted	\$	500.00	\$	4,500.00	\$	5,000.00	8/6/2021	Out of Court Settlement

100	2021-01415	2021-00135; 2021-00757	Trader Joe's Sweet Potato Tortilla Chips	\$	5,000.00	\$	45,000.00	\$	50,000.00	8/9/2021	Consent Judgment
101	2020-03386		La Fortaleza Stone Ground Corn Tortilla Chips Restaurant Style	\$	5,000.00	\$	45,000.00	\$	50,000.00	8/19/2021	Consent Judgment
102	2021-01860		Tutubi Banana Chips	\$	3,000.00	\$	22,000.00	\$	25,000.00	8/24/2021	Out of Court Settlement
103	2020-03383		Creamy French Cookie (Chocolate)	\$	1,500.00	\$	13,500.00	\$	15,000.00	9/2/2021	Out of Court Settlement
104	2020-02809		Chavez Supermarket Tostadas Caseras	\$	2,000.00	\$	20,000.00	\$	22,000.00	9/2/2021	Out of Court Settlement
105	2020-02598		R.W. Garcia Organic BBW Corn Chips	\$	5,000.00	\$	45,000.00	\$	50,000.00	9/2/2021	Consent Judgment
106	2020-03392		Vallarta Supermarkets Tostadas Caseras 24 CT , Vallarta Supermarkets Tortilla Chips	\$	2,500.00	\$	20,000.00	\$	22,500.00	9/7/2021	Out of Court Settlement
107	2020-03086	2020-02917	Mestemacher Almond Protein Bread	\$	1,500.00	\$	16,000.00	\$	17,500.00	9/9/2021	Out of Court Settlement
108	2021-00373		The Fillo Factory Organic Fillo Dough	\$	5,000.00	\$	45,000.00	\$	50,000.00	9/22/2021	Consent Judgment
109	2021-00130		Cali'flour Foods Cauliflower Pizza Crust, Original Italian	\$	5,000.00	\$	45,000.00	\$	50,000.00	9/22/2021	Consent Judgment
110	2021-00676	2021-00125	Base Culture Keto Bread Products	\$	5,000.00	\$	45,000.00	\$	50,000.00	9/26/2021	Consent Judgment
111	2021-00544		Li'l Dutch Maid Almond Windmill Cookies	\$	5,000.00	\$	45,000.00	\$	50,000.00	9/30/2021	Consent Judgment
112	2020-01631		Kroger Potato Sticks	\$	5,000.00	\$	45,000.00	\$	50,000.00	9/30/2021	Consent Judgment
113	2020-02874		El Paraiso Tostadas Caseritas	\$	5,500.00	\$	49,500.00	\$	55,000.00	10/4/2021	Consent Judgment
114	2020-03529		Musso's Toast Italian Crostini	\$	5,000.00	\$	45,000.00	\$	50,000.00	10/13/2021	Consent Judgment
115	2020-03523		Fresh Gourmet Garlic Pepper Crispy Onions	\$	5,000.00	\$	45,000.00	\$	50,000.00	10/13/2021	Consent Judgment
116	2021-01862		Marianitas Cookies Galletas Pecan Artificially Flavored	\$	3,000.00	\$	22,000.00	\$	25,000.00	10/18/2021	Out of Court Settlement
117	2020-03034		Bissli BBQ Flavoured Wheat Snacks	\$	5,000.00	\$	45,000.00	\$	50,000.00	10/18/2021	Consent Judgment
118	2021-02101	2021-00667	El Milagro Totopos Estilo Casera	\$	5,000.00	\$	45,000.00	\$	50,000.00	10/21/2021	Consent Judgment
119	2021-00313		Melinda's Thin & Crispy Banana Chips Sour Cream & Onion	\$	3,000.00	\$	47,000.00	\$	50,000.00	10/21/2021	Consent Judgment
120	2021-01414	2021-00545	Mezzetta Family Co. Roasted Red Bell Peppers California Fresh Pack Mild	\$	6,500.00	\$	56,000.00	\$	62,500.00	10/29/2021	Consent Judgment
121	2021-00675	2021-00443	Great Value Honey Mini Bear Grahams	\$	2,500.00	\$	30,000.00	\$	32,500.00	11/8/2021	Out of Court Settlement
122	2020-02878		Shegraa Lime Plantain Chips	\$	5,000.00	\$	45,000.00	\$	50,000.00	11/15/2021	Consent Judgment
123	2021-01843		Taco Works Original Tortilla Chips	\$	2,500.00	\$	25,000.00	\$	27,500.00	12/2/2021	Out of Court Settlement
124	2021-02321		Bagley Opera Wafers	\$	1,500.00	\$	15,000.00	\$	16,500.00	12/10/2021	Out of Court Settlement
125	2021-02270		Perfection Snacks Gluten Free Snack Mix	\$	150.00	\$	4,850.00	\$	5,000.00	12/10/2021	Out of Court Settlement
126	2021-02462	2021-02365	Maestro Massimo Wafer Cubetti with Hazelnut Cream	\$	2,500.00	\$	22,500.00	\$	25,000.00	12/21/2021	Out of Court Settlement
127	2020-03526		Lucky's Bakery Croutons	\$	5,000.00	\$	45,000.00	\$	50,000.00	12/30/2021	Consent Judgment
128	2021-00309		Cappello's Grain Free Naked Pizza Crust	\$	5,000.00	\$	45,000.00	\$	50,000.00	1/5/2022	Consent Judgment
129	2021-02203	2021-01325	Trader Joe's 3 Seed Beet Crackers	\$	7,000.00	\$	58,000.00	\$	65,000.00	1/5/2022	Consent Judgment
130	2021-02351		El Tio Papilio Potato Crisps Extra Crunchy	\$	2,000.00	\$	16,000.00	\$	18,000.00	1/17/2022	Out of Court Settlement
131	2021-02463	2021-02362	San Carlo Wavy Potato Chips	\$	3,000.00	\$	22,000.00	\$	25,000.00	1/25/2022	Out of Court Settlement
132	2021-02337	2021-02033; 2021-01842	Tortilleria Santa Fe Chipotle Spiced Corn Tortilla Chips	\$	350.00	\$	5,000.00	\$	5,350.00	1/27/2022	Out of Court Settlement
133	2021-02853; 2021-01604	2021-01602; 2021-00244; 2020-03167; 2020-02851	1. Sweet Potato Shaped Snack 2. Cinnamon Toasted Mini Snacks	\$	3,000.00	\$	22,000.00	\$	25,000.00	1/31/2022	Out of Court Settlement
134	2021-02030		Siete Grain Free Cookies- Mexican Chocolate	\$	5,000.00	\$	45,000.00	\$	50,000.00	2/3/2022	Out of Court Settlement
135	2020-03525		Lesley Stowe Raincoast Crisps Gingerbread and Spiced Pear Crackers	\$	5,000.00	\$	45,000.00	\$	50,000.00	2/4/2022	Consent Judgment
136	2021-02352		Arnott's Tim Tam Irresistible Chocolate Covered Biscuits	\$	5,000.00	\$	45,000.00	\$	50,000.00	2/7/2022	Consent Judgment
137	2021-03023		Esperanza's Tortilleria Tostadas Casera	\$	2,800.00	\$	25,200.00	\$	28,000.00	2/11/2022	Out of Court Settlement
138	2021-0052; 2021-02285	2021-02575; 2021-01864	1. Simple Truth Organic White Corn Tortilla Chips 2. San Marcos Organic Blue Corn Tortilla Chips	\$	7,000.00	\$	58,000.00	\$	65,000.00	2/22/2022	Consent Judgment
139	2020-03170		Zambos Chile Limon Flavored Plantain Chips	\$	7,500.00	\$	67,500.00	\$	75,000.00	3/15/2022	Consent Judgment
140	2020-03535	2020-02488	Bristol Farms Cinnamon Vanilla Almonds	\$	5,000.00	\$	50,000.00	\$	55,000.00	3/24/2022	Consent Judgment
141	2021-02034		Jody's Gourmet Popcorn	\$	5,000.00	\$	45,000.00	\$	50,000.00	5/12/2022	Consent Judgment
142	2021-02527	2020-02520	Northgate Market Tostadas Caseras	\$	5,000.00	\$	45,000.00	\$	50,000.00	5/24/2022	Consent Judgment

143	2021-02204	2021-01459; 2021-00124	Athens Phyllo Dough	\$	6,000.00	\$	54,000.00	\$	60,000.00	6/13/2022	Consent Judgment
144	2022-00138	2021-02074	Elvan Today Cube Wafer with Chocolate Cream / Elvan Today Cube wafer with Hazelnut Cream	\$	1,000.00	\$	14,000.00	\$	15,000.00	6/15/2022	Out of Court Settlement
145	2022-00489	2021-02661; 2021-02075	Trader Joe's Animal Crackers	\$	3,500.00	\$	31,500.00	\$	35,000.00	7/20/2022	Out of Court Settlement
146	2022-00488	2021-02796; 2021-02323	Ka-Pop Super Grains Popped Chips	\$	1,000.00	\$	14,000.00	\$	15,000.00	8/3/2022	Out of Court Settlement
147	2020-03543		Cuetara Cookies Animalitos	\$	5,000.00	\$	45,000.00	\$	50,000.00	9/16/2022	Consent Judgment
148	2021-02360		Vintage Gourmet Wafer Rolls	\$	5,000.00	\$	45,000.00	\$	50,000.00	11/30/2022	Consent Judgment
149	2020-03389		Taiwan Mincher Sesame Brown Rice Wafer	\$	15,000.00	\$	17,350.00	\$	32,350.00	6/13/2023	Default
150	2021-00440		Knorr French Onion Recipe Mix	\$	5,000.00	\$	45,000.00	\$	50,000.00	9/11/2023	Consent Judgment
151	2022-01518; 2022-00460	2021-01327, 2022-00433, 2022-00459	1. Parle Hide n' Seek Moulded Cookies 2. Parle Bakesmith Marie Cookies	\$	6,000.00	\$	54,000.00	\$	60,000.00	9/22/2023	Consent Judgment

	Total	Civil Penalties	Attorney Fees
Both Defendants	\$ 7,180,450.00	\$ 743,925.00	\$ 6,436,525.00
Embry	\$ 2,036,500.00	\$ 216,250.00	\$ 1,820,250.00
EHA	\$ 5,143,950.00	\$ 527,675.00	\$ 4,616,275.00

# Settled Cases:	151
Consent Judgment	97
Out of Court Settlement	53
Default Judgment	1